Defense Document 1908 (1)

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RECIPROCAL TRADE AGREEMENTS

HEARINGS

Before The

COMMITTEE ON WAYS AND MEANS
HOUSE OF REPRESENTATIVES

Seventy-Third Congress
Second Session

on

H.R. 8430

March 8 to 14, 1934

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STATEMENT OF HON. CORDELL HULL, SECRETARY OF STATE

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Since 1929 the peoples of every part of the world have experienced economic distress and suffering without a parallel in peace time. I need not here undertake an analysis of the vastly confused and dislocated business and general economic conditions which have prevailed during the past four years on each of the five continents. Most all countries have been invoking every conceivable domestic policy, method and device in desperate efforts to extricate themselves from well-nigh unbearable depression conditions.

The field of international trade, however, upon the existence of which the economic lives of scores of nations depend, and the economic well-being of all nations in important measure depend, is hopelessly clogged and obstructed by prohibitions, embargoes, quotas, restrictions, and numerous other economic and currency impediments. The processes of exchange and distribution have broken down and adequate relief imperatively requires the restoration of confidence, employment, normal commodity prices, and normal trade, both internal and external.

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According to reliable estimates, if world trade had gone forward with the annual ratio of gain existing before the war, the nations during the intervening years would have had some $275,000,000,000 more than they have actually enjoyed. And according to these estimates, if world trade had thus progressed there would be today an annual international commerce of near $50,000,000,000, instead of the pitiable figures of less than $12,000,000,000 for 1933.

International trade has steadily grown less each year since 1929. The reduction of international trade in the amount of $40,000,000,000 means the reduction of world production by $40,000,000,000, and this means a reduction in consumption of a like amount, and this means correspondingly lower standards of living.

* * * * *

Many nations devise quotas, tariff rates, exchange restrictions, and other obstructions with special reference to bargaining possibilities or reduction on the basis of concession for concession. Many nations during the past 1 and 2 years have entered into reciprocal trade agreements and promptly carried them into effect. * * *

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There are in the world today 30,000,000 wage earners accustomed to employment who are unemployed. Near 80 percent of the world's population of 2,000,000,000 persons are today living below the poverty line. Some enterprising nation or nations will and must produce and export the many different commodities necessary to supply these people thus in need. * * *

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MR. HULL. In other words, Judge Hill, the international trade of the world is in a hard knot, and it is choked down to a small amount. At the same time there are probably 25 nations whose very economic lives, as I said, depend upon international trade, and this is an effort to join in meeting this crisis, which fundamentally has been growing worse in the world as a whole.

While there are some fluctuations upwards in prices in a number of other countries, due more or less to artificial stimulation, fundamentally, as I say, the economic situation is not improving as it should.

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MR. HULL. As to these trade obstructions there are different kinds of methods of obstructing trade, of which tariffs are one; there are quotas, exchange restrictions, licensing requirements, embargoes, sanitary rules, and several others.

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MR. HULL. That language of the bill was chosen on account of the fact that a good many countries have made their chief weapon, both for offensive and defensive purposes, the collection of internal taxes, whatever they may be called, which are enacted and operated primarily at least for the purpose of defending national situations, by forcing other nations through to repair, out every vestige of imports from given countries, to come seeking trade arrangements that would involve mutual concessions.

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There are so many different names and such a large number of methods of obstruction and of impeding, with new devices being conceived and put into effect every week, that, unless this language is made sufficiently broad to cover them, it might not be possible to secure any concessions from any of those countries.

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MR. HULL. What I tried to say was that we have found that many countries throughout the world have been adopting the most amazing devices, calling them by every sort of name, but the sole purpose of which is to perform the identical function of tariffs at the custom house, by obstructing imports; hence, in order to make it possible to approach some of those countries and to challenge some things that are out of reason and are provoking bitter controversies among countries, we must have full authority, otherwise, in respect of the things that are declared in purpose and effect and intended as a substitute for the ordinary name and function of tariffs, we would not get anywhere.

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(Secretary Hull subsequently submitted the following data:)

Devices for the Control of Imports

The principal devices which have been utilized in the control of international trade in recent years are:

1. Higher tariff duties.
2. Import quotas and license restrictions.
3. Exchange controls.
4. Exchange clearing and compensation agreements.

Supplementary administrative devices which limit importation include:

1. Milling or mixing regulations which require that in the process of manufacture certain proportions of domestic products must be combined with imported goods.
2. The raising of consular, import, and other administrative fees.
3. Increasing severity of legislative requiring marks of origin.
4. Sanitary regulations.

1. Higher tariff duties.—Since 1929, extensive increases in tariff duties have been made by the United States, Canada, Cuba, Mexico, France, Italy, Spain, India, Peru, Argentina, Brazil, China, and Lithuania. In 1932 general tariff increases were made in the United Kingdom, Egypt, Norway, Japan, Portugal, Greece, Siam, South Africa, Australia, Belgium, Latvia, the Netherlands, the Dutch East Indies, Nicaragua, Persia, and Venezuela. In addition to these general increases, partial increases frequently repeated several times, were almost universal. Sweden, Norway, Czechoslovakia, Poland, Switzerland, Hungary, and the United Kingdom are among the nations which have raised their tariffs in whole or in part since the beginning of 1933.

This list covers practically the whole of Europe as well as numerous other widespread areas. The movement toward higher tariff duties has been less pronounced on the whole in Latin America. While the majority of the Latin American import duty changes during 1932 were increases, numerous significant reductions were made also.

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2. Import quotas and license r ulations.--These are devices for the direct quantitative limitation of importation of specified commodities.

The method of allocation of import quotas varies considerably in different countries, but most frequently the total importation to be permitted is divided into national quotas, the amount allocated to any given country for a given year or quarter being declared to be determined by the relative imports from that country during earlier unrestricted years.

A simpler device consists of a system whereby imports of a particular commodity are prohibited except under license obtained from an official body. Such a system may or may not be combined with an advance announcement of the total importation which will be permitted.

The method of allocation of national quotas in proportion to earlier trade does not appear to have been uniformly carried out, and has led to considerable complaint both from governments and merchants of various countries concerning alleged discrimination. Variations in the prior-base period for different commodities, the amount of the quota to be allocated to a given country, and the freedom of certain commodities from quota restrictions, have frequently been made bargaining matter and adjusted in conformity with counter-considerations obtainable from other governments.

So general do quotas appear to have been accepted that promises with regard to the size of quotas have been written into European commercial agreements and other agreements have been made for the purpose of settling reciprocal complaints.

The extent to which quantitative restrictions on trade have been enforced varies widely from country to country. In the early months of 1933, France had applied quotas to over 1,200 items, covering more than one third of the total value of imports, including many of the chief import groups. These restrictions have been materially extended since that period.

Italy, which imposes quotas affecting imports from countries which impose quotas on Italian goods, illustrates how quotas and counter-quotas can tend constantly to constrict the total volume of international trade.

In the first quarter of 1933, quotas covered about one tenth of the total imports of Holland, and about one fourth of the imports of Switzerland and of Poland.

Quotas and licensing systems have become practically universal throughout continental Europe. The British Empire and Latin American countries have made much less extensive use of these devices.

3. Exchange controls.--Free importation of commodities has been further restricted in nearly all European countries and in many Latin-American countries by the existence of some form of exchange control. Numerous methods of control have been devised, but their common element is the impounding in some central authority of the foreign exchange derived from export and other foreign receipts, and the allotment of these funds to nationals of the country in question for payment for imports, debt services, etcetera. While such controls have not always been fully effective, they have acted as powerful factors in restricting the total quantities and values of imports, and thus of exports.

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Such controls not only affect the total of foreign payments, but frequently operate to curtail imports from some countries more severely than from others. In part this arises from the allocation of exchange for foodstuffs, raw materials and other essentials at the expense of dispensable luxuries. In part this unequal treatment has arisen from more severe limitation on the amount of foreign exchange for which permit is given for the purchase of a particular class of goods from one country than from another.

Where exchange limitations were themselves in the nature of restrictive offsets against countries which themselves had limited the amount of funds available for the purchase of imports from the first country, the difficulty has sometimes been resolved by an arrangement for the clearing of credits between the two countries. (See (4) below.) In other cases preferential treatment in the granting of exchange for the purchase of imports from certain countries, has been frankly admitted by the administering authorities who have justified their actions on the grounds of great volume of purchases by one country than another of the export products of the controlling nation.

Countries using exchange-control systems have also shown a tendency to use them as bargaining weapons by making the amount of exchange allotments (and hence of import allotments) conditional upon larger import quotas for the products of the country in question or the release of "blocked accounts" due its citizens.

4. Exchange clearing and compensation agreements.--Compensation agreements and clearing agreements have this element in common: Both seek to temper the full severity of exchange controls and import restrictions by bilateral agreements, providing for increased trade. Compensation agreements sometimes approach direct international barter as in the agreement of December 22, 1932, between Hungary and Czechoslovakia, by which 29,000 Hungarian pigs were to be exchanged for 20,000 wagons of Czechoslovak wood fuel, and 1,500,000 crowns worth of Hungarian eggs are to be paid for by facilities accorded to Hungarian tourists in Czechoslovak terminal stations. The wheat-coffee agreement between Brazil and the United States Grain Stabilization Corporation is another example of this type of agreement.

Exchange clearing agreements differ from compensation agreements in not specifying, as a general rule, the exchange of particular commodities, but provide for the direct balancing of credits derived from transactions between the two countries, leaving trade to be regulated, within certain limits, by the ordinary commercial channels. Like compensation agreements the intent of these agreements is to loosen restrictions that otherwise might apply as a result of exchange controls or import restrictions.

In the first 3 months of 1933 clearing agreements were concluded by Switzerland with Rumania and Yugoslavia, by France with Bulgaria, Yugoslavia and Hungary, by Italy with Rumania and Sweden, and by Germany with Rumania.

Supplementary administrative restrictions.--The major types of controls over importation outlined above have been supplemented by a wide variety of administrative devices. Among these may be mentioned:

(a) Milling or mixing regulations which stipulate that, in the processes of fabrication, certain proportions of domestic products must be combined with the imported goods. Where imported raw materials had been wholly or chiefly used prior to these regulations, the effect, of course, has been to restrict the use of these materials and hence the quantities imported.

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(b) Excessive requirements as to marks of origin: Requirements that marks of origin be so affixed as to inform the purchaser in regard to the goods he buys can be and have been used excessively to burden imports from other countries without changing tariff rates. An extreme example of these requirements is the order of an important commercial country that individual cork bottle stoppers bear the name of the country from which imported.

With the exception of increases in tariff duties the restrictive devices outlined above have come into general use only in recent years. In large part they represent administrative controls which can be and have been easily and frequently changed, usually in the direction of greater trade restriction. Furthermore the new quantitative restrictions, such as quota systems, directly limit the imports of particular commodities. From that type of limitation there is no escape, even in part, by way of price adjustments, as is possible in the case of changed tariff duties--the trade simply stops when the quota limit is reached. When such restrictions become drastic and widespread the inevitable result is a sharp reduction in the quantity of trade and the piling up of commodity stocks despite the extremely low prices upon which the raw material exporting countries are forced to rely in trade.

MR. HULL. There are a number of methods we know of that are intended to obstruct the process of international finance and trade, the purpose being to shut out any sort of international trade on the theory that it was not necessary or helpful or beneficial in any way except as to such scattering commodities as a country could not possibly produce and which it could not possibly do without.

That is the policy of extending obstructions and impediments and barriers, or whatever similar name you might call them by, of expanding them to every import that might be brought into a country.

MR. TREADWAY. With what countries are we now suffering from the so-called trade barriers?

MR. HULL. I think there are 65 in the world.

MR. TREADWAY. We are suffering with every country?

MR. HULL. Yes; all of them. Everybody is suffering from everybody else's trade barriers.

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MR. HULL. I don't think, Governor Shallenberger, it was the fault of any one country during recent years that all countries are now in the situation that they are in as to trade obstructions. When one would commence it, some another one in self-defense would follow suit, and another in retaliation would follow suit, and so it went until we have this vast network of obstructions.

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MR. HULL. As I said, the authority of the legislative branch to empower the executive branch of the Government to perform these functions in a manner approved by the Supreme Court, will, I think, be generally conceded.

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Furthermore, unless our Government does assert some leadership in calling attention to the importance of nations trading with each other in a commercial way, the time will soon come when we will have forced other nations to raise all of their tobacco, when we will have forced them to raise all of their cotton and all of their wheat and all of their hog products and all of these other vast and valuable surpluses which have given us a favorable balance of trade in this Nation for 75 years.

Excerpts, pages 2-27

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辯護側書類第一九〇八號（一）

互惠通商協約

下院第八四三〇號ニ關スル第七十三議會第二會期

下院財源委員會ニ於ケル聽取書

一九三四年目三月八日至十四日

一九三四年、華盛頓

合衆國政府印刷局

× × × × ×

國務長官コーデル・ハル氏ノ陳述

× × × × ×

一九二九年以降、世界各地ノ國民ハ何レモ、平和時ニ於テ類ヲ見ザル經濟的窮迫ト苦痛トヲ經驗シ來レリ。

余ハ茲ニ、五大陸ノ各地ニ於テ、過去四年ニ亘リ、見ラレタル非常ニ混亂シ且ツ脱臼セル實業及ビ全般的經濟的狀態ノ分析ヲ、爲ス必要ナシ、殆ンド負ヒ切レザル不景氣カラ免レルタメデ、考案シ得ル限リノ國內政策方法及ビ方策ヲ求メテ必死ノ努力ヲナシ

When the executive power is mentioned in the accompanying [illegible], the reference is to one of the following types of administration:

1. Executive legally independent of the legislature as in the United States.
2. Executive independent of the legislature in actual practice.
3. Executive dependent upon the legislature, as in the British parliamentary form of government.

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來レリ。」

然シナガラ、幾十ヲ算スル國民ノ經濟的生活ト、各國民ノ福利ガ大部分依存スル國際貿易界ハ、諸種ノ他種々ナル經濟的及ビ通貨障碍ニ依ッテ絶望的ニ妨害サレ且ツ遮斷サレ居リ。爲替相場及ビ利潤分配ノ過程ハ破壞サレ、通當ナル救濟策トシテ、借局、航路、正常ナル商品價格ノ正常ナル貿易ノ復舊等ハ國内的ニモ國外的ニモ、絶對必要トスルトコロナリ。

× × × ×

福實ナル見地ニ依レバ、若シ世界貿易ガ戰前利益ノ年次的比率ヲ以テ回復セルモノト假定スレバ、各國ハ戰時中ニ、貿易ニ享受セルヨリモ約二七五、〇〇〇、〇〇〇、〇〇〇ドル以上ノ貿易ヲ擧ゲ得タル筈ナリ。又其ノ見積ニ依レバ若シ世界貿易ガ石ノ如ク進展セルモノトセバ今日ノ年次國際通商ハ、一九三三年度ノ一二、〇〇〇、〇〇〇、〇〇〇ドル以下トイフ貧弱ナル數字ニアラズシテ五〇、〇〇〇、〇〇〇ドル近クトナリタル筈ナリ。

國際貿易減少額四〇、〇〇〇、〇〇〇、〇〇〇ドルハ、世界生産額四〇、〇〇〇、〇〇〇、〇〇〇ドルノ減少ヲ意味シ且ツコレハ同額ノ消費減少ヲ意味シ、且ツコレハ、之ニ相當スル生活水準ノ低下ヲ意味スルモノナリ。

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諸國家ハ割當制、關稅率、爲替制限其ノ他ノ障碍方策ヲ案出スルモ又互讓精神ニ基ツギ可能ナル場合ハ驅引ヲナシ或ハ提供物資ノ數量ヲ減ジ得ル樣特別ナル考慮ヲナス。多クノ國家ハ過去一、二年ノ間ニ互惠通商協約ヲ結ビ速カニ之ヲ實施セリ。

× × × × × × × × ×

全世界ニハ現今失業中ノ賃銀勞働者三〇、〇〇〇、〇〇〇人アリ。世界ノ人口二、〇〇〇、〇〇〇人中約八〇パーセントハ、今日貧乏線以下ノ生活ヲ營ミツツアリ。企業的ナル一國家又ハ數國家ハコレラノ貧窮狀態ニ在ル人々ニ供給スルタメニ各種多量ノ必需日用品ヲ生產シ且輸出スベシ否カクセザルヲ爲サザルベシ。

× × × × × × × × ×

ハル氏。ヒル判事ヨ換言スレバ世界ノ國際貿易ニ非常ナ難局ニアリ而シテ小規模ノモノトナレリ。同時ニ前述ノ如ク、恐ラク二十五ノ國家ハソノ經濟生活ハ國際貿易ニ依存スルモノナリ而シテ本案ハ此ノ危機ニ對シテ協力スル一努力ナルガ此ノ危機ハ根本的ニ全世界ニ於テ愈々惡化シ來レルモノナリ。

諸外國ニ於テハ諸物價ニ騰貴的變動アルモ、

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ソレハ糸ノ言フ通リ根本ニ於テ幾分人爲的ノ制
戦ニ由來スルモノニシテ經濟的情勢ハ理想通
リニハ參サレ居ラズ。

× × × × × × ×

ハル氏。貿易障碍ニシテハ貿易ヲ阻害スル方法ニ
ハ種々アリ、例ヘバ關稅ハ其ノ中ノ一ツナリ
割當制爲替制限許可制、輸出禁止、衞生規則
其ノ他數種アリ。

× × × × × × ×

ハル氏。本法律案ノ用語ヲ多數國家ガ守勢的及攻勢的
ノ二目的ノタメ、其ノ名目ノ如何ヲ問ハズ國内
稅金ノ徵集ヲ彼等ノ主タル武器トセル事實ニ由
ツテ選定セラレタリ。而シテ此ノ國稅徵集ハ
少ナクトモ他國民ヲシテ取ル時國ヨリノ輸入
ノ形跡ヲ徹底的ニ閉メ出シ相互的讓歩ヲ包含
スル貿易調整ヲ求メシメルコトニヨツテ國家
情勢ヲ擁護スルコトヲ主要目的トシテ制定セ
ラレ實施セラレタルモノナリ。

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種々異レル名稱アリ、且ツ障碍、妨害ノ方法モ極メテ多數アリテ毎週ノ新方策案出セラレ實施サル、タメ、コノ用語ニ充分幅ヲ與ヘソレラノ方法ヲ網羅セシムルニ非レバ、コレラ諸國ヨリ何ラカノ譲歩ヲ確保スルコトハ不可能ナルベシ。

× × × × × ×

ハル氏。余ガ言ハントセル所ハ即チ、世界到ル所多數ノ諸國ガ最モ驚嘆スベキ方策ヲ採用シソレ等ニ種々ノ名稱ヲ附シ居レドモ、ソノ唯一ノ目的タルヤ、輸入ヲ妨害スルコトニヨリ税關ニ於ケル關税ト全ク同一ノ機能ヲ果サントスルニ在ルコトナリ。從ツテコレ等ノ或ル國々ト交渉シ不合理ニシテ諸國間ニ烈シキ論爭ヲ生ゼシムルガ如キ事柄ニツキ異議ヲ述ブルコトヲ可能ナラシメンガタメニハ、我々ハ充分ナ權力ヲ有セザル可カラズ。然ラザレバソノ目的ト効果ニ於テ關税ナル普通ノ名稱ト機能ニ代ルモノトシテ布告サレ企畫サレタル事柄ニ關シテハ何ラ解決ノ道ハ見出サレザル可シ。

（ハル長官ハ續イテ次ノ資料ヲ提出セリ）

輸入統制ノ諸方策

近年國際貿易ノ統制ニ當ツテ利用サレタル主要方策ハ左ノ如シ

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一、高率關稅
二、輸入割當及ビ許可制限制
三、爲替管理
四、爲替決濟及ビ代償協定
輸入制限ノ補助的行政方策ニハ次ノ如キモノヲ含ム
一、製造過程ニ於テ國内生産品ノ一定割合ト輸入品ト併用スルコトヲ必要トスルコト、規定スル
掲キ交ゼ又ハ混合ノ規則
二、領事手數料、輸入手數料及ビ其ノ他ノ管理上ノ手數料ヲ引上グルコト。
三、原産地ノマークヲ必要トスル法律ヲ更ニ嚴重ニスルコト。
四、衞生諸規定。

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高率關稅

一九二九年以來廣範圍ニ亘ル關稅ノ增率ヲ行ヒタルハ、合衆國、カナダ、キユーバ、メキシコフランス、イタリー、スペイン、インド、ペルー、アルゼンチン、ブラデル、中國及ビリトワニヤナリ。一九三二年全般的ニ關稅ノ增率ヲ行ヒタルハ、英國、エジプト、ノルウエイ、日本ポルトガル、ギリシヤ、シヤム、南アフリカ、オーストラリヤ、ベルギー、ラトビヤ、オランダ、蘭領東印度、ニカラグワ、ペルシヤ及ビヴエネズウエラノ諸國ナリ。コレ等全般的關稅增率ノ外ニ尙、數回ニ亘リ屢々部分的增率ヲ見タルガ、コレハ殆ド世界的ナリ。スエーデン、ノルウエイ、チエコスロヴアキヤ、ポーランド、スキス、ハンガリー及ビ英國ハ、一九三三年初頭以來全部又ハ一部關稅率ヲ引上ゲタル國々ナリ。

以上ノ諸國ハ事實上全歐州ノミナラズ、他ノ廣範圍ニ在ル多クノ諸地域ニ亘リ居レリ。ラテン、アメリカニ於テハ概シテコノ高率關稅ニ對スル運動ハ左程顯著ナラズ。

一九三二年ニ於ケルラテン、アメリカノ輸入稅改正ノ大半ハ增率ナリシモ重要ナ稅率低減モ又多ク行ハレタリ。

二 輸入割當及ビ輸入許可諸規定

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コレ等ノ方策ハ特ニ指定サレタル商品ノ輸入ニ付直接其ノ量的制限ヲ行ハントスルモノナリ。

輸入割當ノ方法ハ國ニヨリ可ナリノ相違アレドモ多クハ許可サルベキ輸入高ヲ各國別割當ニ分チ、一定國ノ一年間若シクハ四半期間ニ對スル割當額ハ、無制限時代ニ於ケル該國ヨリノ輸入額ニ比例シテ決定スルコトトナリ居レリ。

比較的單純ナ方策トシテハ特定商品ノ輸入ヲ或ル政府機關ヨリノ許可ナクシテハコレヲ禁止スル制度ナリ。斯カル制度ハ許可サルベキ輸入高ヲ前以テ發表スル制度ト結ビツケテ行フ場合モ尠カラザル場合モアリ。

制限前ノ貿易額ニ比例シテ各國別輸入割當ヲ定ムル方法ハ一線ニ行ハレタルニ非ズ。從ツテ差別待遇ニ對スル諸國政府ノ不服モ可ナリ多ク聞カレタリ。各種ノ商品ニ對スル制限前ニ於ケル基本期間ノ相異、一定國ニ對スル割當額及ビ或ル種商品ノ割當制限免除等ハ屢々交渉問題トナリ、他國政府ヨリ得タルソレニ對スル考慮貨ニ從ヒテ調整セラレタリ。

When the executive power is mentioned in the accompanying documents, the reference is to one of the following types of administration:

1. Executive legally independent of the legislature as in the United States.
2. Executive independent of the legislature in actual practice.
3. Executive dependent upon the legislature, as in the British parliamentary form of government.

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割當制ハ廣ク各部セラレ、ヨーロッパ諸國ニ於ケル獨
商諸協定中ニモ割當量ニ關スル取決メガ設ケラル
ヽニ至リ、ソノ他ニモ相互ノ苦情ヲ解決スル協定
行ハレタリ。

貿易ニ對シ量的制限ノ行ハレル範圍ハ、ソノ國ニ
ヨッテ大ナル相異アリ。一九三三年初頭ノ數ケ
月ニハ、フランスハ、主要輸入種目ノ多數ヲ含ム
輸入總額ノ三分ノ一以上ニ亘ル千二百以上ノ品目
ニ對シテ割當ヲ實施シタルガ、ソノ例ニ見
ノ期間以來大口ニ擴張セラレタリ。コレ等ノ制限ハソ・
イタリーハ自國ノ商品ニ割當制ヲ課スル諸國ヨリ
ノ輸入ニ對シ割當制ヲ課シ居レルガ、ソノ例ニ見
ルモ、割當制トソレニ對スル報復的割當制ガ行ハ
レルコトガ如何ニ國際貿易ノ總量ヲ絶エズ壓縮ス
ル傾向ヲ有スルカヲ知リ得ベシ。

一九三三年ノ第一四半期ニ、オランダハ總輸入額
ノ十分ノ一ニ對シ、スイス及ビポーランドハ各總
輸入額ノ約四分ノ一ニ對シテ割當ヲ實施セリ。
輸入割當及ビ輸入許可制度ハヨーロッパ大陸ニ於
テハ事實上全般ニ亘ッテ行ハレ居リ、英帝國及ビ
ラテン、アメリカ諸國ハ、コレ等ノ方策ヲ左程廣
範圍ニ實施シ居ラズ。

三、爲替管理　ヨーロッパ諸國ノ殆ンド全部及ビ
多クノラテン、アメリカ諸國ニ於テハ、何等カノ

When the executive power is mentioned in the accompanying [illegible],
the reference is to one of the following types of administration:

1. Executive legally independent of the legislature as in the United States.
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形ノ爲替管理ノ存在ニヨッテ、商品ノ自由輸入ハ更ニ制限サレ居レリ。ヘ、管理方法ハ多數案出サレタルガ、ソレ等ニ共通ノ要點ハ、輸出及ビ其ノ他外國取引勘定ヨリ生ズル外國爲替又ハ中央官廳ニ拂ヘ置キ、ソレ等ノ資金ヲ輸入、負債利子、其ノ他ニ對スル支拂ノタメ、當該商人ニ配分スルニアリ。斯ル管理方式ハ必ズシモ充分ニ效果的ナラザルガ、輸入總量及ビ總金額、從ッテ輸出ノ總量及ビ總金額ヲモ制限スル有力ナル要因トシテ作用シ來レリ。

(以下次頁ニ續ク)

1. Executive legally independent of the legislature as in the United States.
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カカル管理ハ、外國ヘノ支拂金總額ニ影響スルノミナラズ、又往々ニシテ或ル國々ヨリノ輸入ヲ他ノ國々ヨリノ輸入ヨリモ、甚シク減殺スルノ作用ヲナス。コノ事ハ一部分不急不要ノ奢侈品ヲ犧牲トシテ、食料品、原料及ビ其ノ他ノ必需品ニ、爲替ヲ割當ツルタメニモ起因ス。又コノ不平等ノ取扱ハ、或ル一國ヨリ或ル種ノ商品ヲ購入スルコトニ對シ許可サレル外國爲替ノ額ニ、他ノ國ノ場合ヨリモ一層厳シキ制限ヲ課スル爲メニモ起因スルナリ。

爲替制限ソノモノガ、ソレ自身或ル一國ヨリノ輸入品購入資金額ヲ制限セル國ニ對スル制限的相殺ノ性質ヲ帶ブル場合ニ、コレ等二國間ニ、クレヂツトヲ清算スル協定ヲ結ビ、コノ困難ガ解決ヲ見タルコトアリ。（下記(4)參照）又他ノ場合ニハアル國々ヨリノ輸入品買入ノタメノ爲替ヲ許可スルニ當ツテ、爲替管理ヲ行イタル或ル一國ノ購入スル輸出生産物ガ、同樣ノ他ノ一國ヨリノ購入ヨリ大量ナリトノ理由ヲ以テ、管理當局者ガ優先的取扱ヲ卒直ニ認メタルコトアリ。

爲替管理制度ヲ實施セル諸國ニ於テハ、コレヲ利用シ、爲替割當額（從ツテ輸入割當額）ヲ、或

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When the executive power is mentioned in the accompanying [illegible], the reference is to one of the following types of administration:

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PURL: http://www.legal-tools.org/doc/501bdd/

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ル國ノ生産物ノ輸入制當額ノ增加、又ハ該國人ニ支拂フベキ封鎖勘定ノ解除如何ニヨルモノトシ、管理制度ヲ交渉ノ武器トナスノ傾向モ現ハレ居レリ。

4、爲替ノ決濟及ビ代償協定

代償協定ト決濟協定トハ次ノ如キ共通ノ要素ヲ有ス。即チ、共ニ、貿易ノ增加ニ備ヘテ雙務協定ニヨツテ、爲替管理並ニ輸入制限ノ苛酷サヲ幾分ナリト緩和セントスル點ナリ。代償協定ハ一九三二年十二月二十二日ハンガリー、チエツコスロバキヤ間ニ結バレタル協定ニ於ケルガ如ク、國際的バーター制ニ近キモノトナスコトアリ。コノ協定ニヨリハンガリー産豚二萬九千頭ヲチエツコスロバキヤ産薪二萬貨車ト交換シ、又ハンガリー産雞卵、價格百五十萬クラウンノモノヲ、チエツコスロバキヤ所在終端驛ノハンガリー旅客ニ與ヘラルル便宜、設備ニ對シ支拂フコトトナリ居レリ。ブラジルト合衆國穀類安定會社ノ間ニ結バレタル小麥、珈琲協定モ亦此ノ種協定ノ一例ナリ。

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PURL: http://www.legal-tools.org/doc/501bdd/

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為替決済協定ハ概シテ物品ノ交換ヲ特定セザル點ニ於テ代償協定ト異レドモ二國間ノ取引ヨリ生ズルクレヂットノ直接決済ヲ規定シ貿易ハ一定ノ制限ノ下ニ普通ノ通商手段ニヨリ調整セントスルモノナリ。

代償協定ト同様コノ協定ノ意圖スル所ハ、為替管理、輸入制限ノ結果行ハルベキ制限ヲ、緩和セントスルニアリ。

一九三三年初頭ノ三ケ月間ニ、為替決済協定ハ、瑞西トルーマニヤ及ビ、ユーゴースラビヤ間ニ、佛蘭西トブルガリヤ、ユーゴースラビヤ及ビハンガリー間ニ、伊太利トルーマニヤ、瑞典間ニ、又獨逸トルーマニヤ間ニ結バレタリ。

補足的ナル行政上ノ制限。

以上ノ略説シタル重要ナル輸入統制ノ方式ヲ補足スルタメ廣汎ナ通須ノ行政的措置行ハレタリ。ソノ中ニハ次ノ如キモノアリ。

(a) 製造過程中ニ一定割合ノ國内生産物ヲ輸入品ト結合スベキ事ヲ規定スル爲キ又ハ混合ノ規則。輸入原料ガコノ規定以前ニ、全部若シ

When the executive power is mentioned in the accompanying responsum, the reference is to one of the following types of administration:

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クハ大部分使用サレタル場合ニハ、ソノ結果トシテ、勿論コレ等原料ノ使用ハ制限セラレ、從ツテ輸入量モ制限セラレタリ。

(B) 原産地ノマークニ關スル過重ノ要求。

原産地ノ印マークヲ附シテ貢入ル、物品ノ原産地ヲ購入者ニ知ラシムルコトヲ必要トスル規定ハ、關税率ヲ變更セズシテ他國ノ輸入品ニ過重ノ負擔ヲ負ハシムル爲メニ利用シ得、又從來利用セラレタリ。ソノ極端ノ一例トシテハ個々ノコルクノ壜栓ニ輸出國名ヲ記スベシトノ命令ヲ或ル重要通商國ガ發シタル事アリ。

（以下次頁ニ續ク）

the reference is to one of the following types of administration:

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關稅引上ヲ除イテハ、以上ニ略述セル制限手段ハ、近年ニ至リ一般ニ行ハル、ニ至レルモノナリ。コレ等ノ手段ノ多クハ、通例一層大ナル貿易制限ノ方向ニ容易ニ又屢々再ビ得、又轉ジタル行政的統制ヲ示スモノナリ。更ニ又割當制度ノ如キ新シキ量的制限ハ、直接或ル物品ノ輸入ヲ制限スルモノニシテ、關稅率更更ノ場合ニ可能ナル如キ價格調整ノ方法ヲ以テシテモ、タトヘ幾分ナリトコノ種ノ制限ヲ免ルヽコトハ不可能ナリ。卽チ割當ノ限界ニ達スル時ハ貿易ハ全ク停止スルナリ。

斯ル制限ガ苛酷トナリ廣汎ニ亘ル時、避ケ難キ結果トシテ貿易ノ量ハ著ダシク低減シ且ツ原料輸出國ガ極端ニ低廉ナル原料價格ヲ以テ貿易セザルヲ得ザルニモ拘ラズ、商品ストツクノ堆積ヲ見ルニ至ル。

ハル氏。國際財政及ビ貿易ノ運行ヲ阻止セントスル方法ニシテ吾人ノ知レルモノ多數アリ。ソノ目的タルヤ一國ガ生產シ得ザル而カモソノ國ニ不可缺ナル分數品ニ就イテハ別トシテ、如何ナル國際貿易モ決シテ必要、有用、有益ナラズソノ理論ニ基イテ、アラユル國際貿易ヲ閉メ出スニアリ。

When the executive power is mentioned in the accompanying explanation, the reference is to one of the following types of administration:

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コレ即チ、一國ニ入リ來ル、アラユル輸入品ニ對シテ、防碍、阻止、障壁、(ソノ他如何ナル同樣ノ名稱ニセヨ)等ノ手段ヲトリコレヲ擴大スル政策ナリ。

トレッドウェイ氏。如何ナル國々ニ就イテ、吾人ハ目下所謂貿易上ノ障壁ニ悩ミ居ルヤ。

(以下次頁ヘ續ク)

the reference is to one of the following types of administration:

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ハル氏。 世界中ニ六十五ケ國アリト思フ。

トレツドウエイ氏。 吾人ハソノ各國ニ就イテ惱ミ居ルヤ。

ハル氏。 然リ。ソレ等凡テノ國ニ就イテ。各國ガ各國ノ貿易障壁ニ惱ミ居ルナリ。

＊ ＊ ＊ ＊

ハル氏。 シヤレンバーガー知事、予ハ貿易上ノ障碍ニ關シテ、各國ガ現在ノ如キ情勢ニアルコトハ近年ニ於ケル何レカ一國ノ過誤ニヨルモノトハ考ヘズ。一國ガ先ヅ貿易障碍ヲ始ムルヤ他ノ一國ガ自衛上ソノ例ニ倣ヒ、次イデ又他ノ一國ガ報復トシテソノ例ニ倣ヒ、カクシテ遂ニ今日ノ如キ、廣汎ナル妨害論ガ張リメグラサルヽニ至レルナリ。

＊ ＊ ＊ ＊

ハル氏。 予ガ言ヘル通リ、政府ノ行政部ニ、最高法院ノ是認シタル如キ方法ニテコレ等ノ機能ヲ行フ權限ヲ與ヘントスル立法部ノ權能ハ、一般ニ容認セラレルナラント、予ハ思フ。

更ニ若シ我ガ政府ガ、國際間ノ貿易ハ相互的ニ商業道ニ立脚シテ行ハルヽコトノ重要性ニ對シ注意

When the executive power is mentioned in the accompanying tabulation, the reference is to one of the following types of administration:

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ヲ喚起スル指導權ヲ主張スルニ非レバ、過去七十五年間合衆國ニ對シテ有利ナル貿易ノ均衡ヲ與ヘ來レル煙草ヤ、綿花ヤ、小麥ヤ、豚生産品ヤ、其他莫大ニシテ貴重ナル餘剰生産物一切ノモノヲ、他國民ヲシテ自ラ生産スルコトヲ餘儀ナクセシムル時代ガヤガテ招來セラルヽニ至ルベシ。

第二頁ヨリ第二七頁マデノ抄本

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When the executive power is mentioned in the accompanying tabulation, the reference is to one of the following types of administration:

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Defense Document 1908 (2)

RECIPROCAL TRADE AGREEMENTS

HEARINGS

Before The

COMMITTEE ON WAYS AND MEANS
HOUSE OF REPRESENTATIVES

Seventy-Third Congress
Second Session

on

H.R. 8430

March 8 to 14, 1934

United States
Government Printing Office
Washington: 1934

* * * * *

Regulation of Customs Tariffs in Foreign Countries By Administrative Action

Memorandum and Summary Tabulation Concerning "Regulation of Customs Tariffs in Foreign Countries by Administrative Action"

The attached table presents a summary and revision to date of a compilation published by the United States Tariff Commission under the above title in 1932. The table shows power over tariff rates delegated by the legislature to the executive branch of the Government or which are known to be exercised by administrative action in the different countries. No attempt has been made in this tabulation to interpret indefinite constitutional provisions (such as "general welfare" clauses, etc.), under which the Executive might assume authority to restrict or prohibit imports or exports, whether by tariff changes or other means.

Relation Between the Executive and Legislative Branches

When the executive power is mentioned in the accompanying tabulation, the reference is to one of the following types of administration:

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With regard to the second type of executive there has been a widespread tendency or practice in recent years to assume emergency powers over the tariff and other measures affecting foreign trade.

In countries with a parliamentary or cabinet form of government, where the ministry is an essential part of the legislature and its acknowledged leader in matters of policy, administrative tariff changes are virtually assured in advance of parliamentary approval. Accordingly, in comparing the practice in different countries with regard to the question whether legislative ratification is or is not required before executive tariff changes can take effect, it is important to note the distinction between parliamentary and congressional forms of procedure. Under the parliamentary or cabinet form of government, the Prime Minister necessarily commands a parliamentary majority. In such countries the requirement of legislative ratification manifestly does not impose a restriction upon executive action comparable with the same requirement under a congressional form of government, where the Chief Executive may or may not be supported by a majority of the Congress.

It must also be remembered that in countries where many or most of the effective tariff rates are fixed by commercial treaties, such rates cannot be changed, even by the legislature and executive combined, during the life of the treaties concerned, without agreement with the countries entitled to the treaty rates. A recent practice concerning such conventional duties has been the bargaining for mutual release from treaty-bound rates.

Restrictive Measures Other Than Tariffs

In addition to tariff duties import trade has been restricted or controlled by other measures, such as import quotas or prohibitions; import restrictions with or without a system of licenses; import monopolies; foreign exchange control; milling or mixing regulations; and increased fees and restrictive regulations of various kinds. Under present conditions import quotas and exchange control measures may be even more effective trade barriers than tariff rates as such.

Quotas or import permits are imposed in a number of countries by the executive, either under special legislative authorization, or under general executive powers. These permits may be used to control trade balances, or to apply retaliatory measures, and the apportionment of imports under quotas may also be used to conclude and enforce reciprocal trade arrangements. Among the countries where import quotas are used for one purpose or another are Austria, Belgium, Chile, Czechoslovakia, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Netherlands, Poland, Rumania, Spain, Switzerland, Turkey, United Kingdom.

Restrictions on foreign exchange transactions are applied in many countries. In several European and Latin American countries control of foreign exchange transactions is officially exercised through the central banking system. Among the countries applying restrictions for control of foreign exchange are Argentina, Austria, Brazil, Bulgaria, Chile, Colombia, Czechoslovakia, Denmark, Estonia, Greece, Germany, Hungary, Italy, Latvia, Norway, Spain, Turkey, Uruguay, Yugoslavia.

To facilitate trade with countries exercising control over foreign exchange, other countries which do not restrict foreign exchange transactions follow the principal of compensation trade (paying for imports by exports) and have entered into clearing or compensation agreements with countries restricting cash payments for imports.

PURL: http://www.legal-tools.org/doc/501bdd/

Regulation of Customs Tariffs in Foreign Countries by Administrative Action

In the countries listed below tariff rates may be changed by the executive branch of the Government as noted in columns A to F:

A--Has the Executive power to change duties without reference to the legislature?

B--Has the Executive power to change duties provisionally, pending approval by the legislature?

C--Are treaty rates enforcible by the Executive without reference to the legislature?

D--Are treaty rates enforcible by the Executive provisionally, pending ratification of the treaty?

E--Can the Executive change tariff rates without limit as to amount?

F--Is there a special commission or similar agency to advise on tariff changes?

Country	A	B	C	D	E	F	Remarks
Argentina	Yes		Yes 1/		No 2/	Not specified	1/ Although duties may be reduced by as much as 50 percent under commercial agreements apparently without legislative approval, the Argentine-United Kingdom treaty of 1933 was submitted for such approval before enforcement. 2/ To penalize discriminations, duties up to 15 percent ad valorem may be applied on duty-free imports, or duties increased up to 50 percent ad valorem.
Australia		Yes		Yes	No	Yes; a tariff board	
Austria	Yes 3/			Yes	Yes	Not specified	3/ Previous approval of the principal committee of the legislature is required and upon demand by 1/4 of the members of the committee, the proposal to change tariff rates must be submitted to the legislature for consideration in the regular order of business. However, this provision does not apply to the tariff (and other) decrees which the present "Government" has issued within the past year by invoking certain extraordinary wartime powers. But even such decrees should later be submitted to the legislature and be revoked if it so demands.

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E--Can the Executive change tariff rates without limit as to amount?

F--Is there a special commission or similar agency to advise on tariff changes?

Country	A	B	C	D	E	F	Remarks
rgentina	Yes	Yes[1/]		No[2/]	Not specified		[1/] Although duties may be reduced by as much as 50 percent under commercial agreements apparently without legislative approval, the Argentine-United Kingdom treaty of 1933 was submitted for such approval before enforcement.
ustralia	Yes	Yes	Yes	No	Yes; a tariff board		[2/] To penalize discriminations, duties up to 15 percent ad valorem may be applied on duty-free imports, or duties increased up to 50 percent ad valorem.
ustria	Yes[3/]		Yes	Yes	Not specified		[3/] Previous approval of the principal committee of the legislature is required and upon demand by 1/4 of the members of the committee, the proposal to change tariff rates must be submitted to the legislature for consideration in the regular order of business. However, this provision does not apply to the tariff (and other) decrees which the present "Government" has issued within the past year by invoking certain extraordinary wartime powers. But even such decrees should later be submitted to the legislature and be revoked if it so demands.

PURL: http://www.legal-tools.org/doc/501bdd/

Country	A	B	C	D	E	F	Remarks
							11/ To penalize discrimination: duties up to 15 percent ad valorem may be applied on duty-free imports, and duties may be increased to to 50 percent; to protect national industries duties may be increased by 35 percent; on articles of first necessity duties may be reduced by 25 percent; these changes are authorized under the tariff of 1928, and so far as known have not been repealed through later tariff legislation.
China	No	No	No	No	No	Yes 12/	12/ The National Tariff Commission, but the Chinese Central Political Council apparently advises on fundamental tariff matters
Colombia	Yes 13/		(14)		No	Not specified	13/ To penalize discrimination: 14/ In November 1932 the executive was given authority by the legislature to conclude commercial agreements reducing rates, without the requirement of legislative approval; this authority apparently lapsed July 31, 1933, without having been exercised.
Costa Rica	Yes		(15)		Yes 15/	No	15/ The executive is authorized to increase or decrease rates, provided that articles of luxury shall dutiable at higher rates than articles of first necessity or for the use of national industries.
Cuba 16/	Yes 17/			Yes	Yes	Yes 18/	16/ The powers indicated were granted to the Machado administration (since overthrown) to expire in May 1934. 17/ Tariff changes must be reported to the legislature. 18/ The Technical Tariff Commission, which apparently has ceased to function since the revolution.

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Country	A	B	C	D	E	F	Remarks
echoslovakia	No	Yes[19/]	No	Yes[20/]	Yes[19/]	No	19/ During present emergency only, this power to expire June 30, 1934. 20/ But minimum bargaining rates are fixed by Parliament.
nmark	No	No	No	No			
uador	Yes[21/]		Not known		No[22/]	No	21/ The executive is also given authority to regulate and prohibit importation. 22/ The executive may increase or reduce rates by as much as 50 percent and 30 percent respectively.
gland (see nited Kingdom)							
nland	Yes[23/]		No	No	No[23/]	No	23/ The council of state may quadruple legislative rates or a legally specified list of (important) tariff numbers.
nce	No	Yes	No	Yes	Yes[24/]	No	24/ By Law of Feb. 28, 1934, the French President was given authority, until Nov. 15, 1934, to change tariff rates subject to approval by Parliament.
many[25/]	Yes[26/]		Yes[27/]	Yes[27/]	Yes	Not specified	25/ Although by the so-called "Enabling Act" of Mar. 24, 1933, the German legislature delegated general powers of legislation to the Government as an emergency measure, the latter continues to invoke particular authorizations previously granted to the cabinet either by the legislature or by the president. (See note.[26/]) 26/ The authorization indicated was delegated to the German "Government" by the president of the Reich, in the exercise of certain extraordinary powers granted him directly by the German constitution. The president's decree provided that executive decrees enacting tariff changes must be submitted to the Reichsrat (an upper chamber without legislative power) which can demand their repeal.

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Country	A	B	C	D	E	F	Remarks
							27/ By provision of the emergency law of Mar. 24, 1933, treaties relating to subject matter of national legislation do not require the approval of the legislature. The Government itself authorized the Minister of Foreign Affairs provisionally to put into force commercial agreements, in case of urgent economic necessity
Greece	No[28]	Yes	No	Yes	Yes[28]	Yes[29]	28/ The legislative maximum rates increased tenfold in 1931 may be reduced under certain conditions stated, but not below the minimum rates set by the legislature. Import quotas need not be approved by legislature.
							29/ A permanent commission for study of tariffs and commercial treaties with Minister of Finance as chairman
Haiti	Yes[30]	Not known		No	No		30/ The Executive is authorized to increase rates by as much as 50 percent in case of discriminations.
Hungary	Yes[31]	Yes[32]		Yes[33]	Not specified		31/ Tariff changes and decrees enforcing commercial agreements and treaty rates must be reported to the legislature.
							32/ The authority to put into force tariff changes contained in a treaty is contingent upon similar action by the other party to the treaty.
							33/ As regards increases in duty (to be made according to need whenever important branches of Hungarian production so require) the Government has the obligation subsequently to restore the statutory rates.

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Country	A	B	C	D	E	F	Remarks
Italy	No	Yes	No	Yes	(34)	Yes	34/ Executive power is limited as regards tariff increases on goods from nontreaty States, and retaliatory surtaxes on goods from States discriminating against Italian products.
Japan 35/	No	No	No	No	No	Yes 35/	35/ There is a tariff investigation commission. According to recent press reports, a "trade defense bill" has been introduced in the Japanese legislature, proposing to grant the Japanese executive unlimited power over tariff rates, including import and export restrictions.
Mexico	Yes 36/		(36)		Yes	Yes 37/	36/ Since 1917, the executive has been given unqualified authority by Congress to change rates, with the requirement that the exercise of such powers be reported to the legislature in matters relating to the public treasury.
Netherlands	Yes 38/		No	No	(38)	No	37/ The Mexican Tariff Commission customarily recommends changes 38/ The administration may exempt a few legally specified articles from all duties, and articles not produced in the Netherlands from the surtaxes effective Jan. 1, 1934.
New Zealand		Yes		Yes	No	Yes 39/	39/ There is a tariff commissio
Norway	No	No	No	No			
Panama	Yes 41/		Not known		Yes	(42)	41/ In 1932, the executive readjusted a number of duties, for the declared purpose of protecting certain basic industries.
Paraguay	Yes 43/		do		No 44/	No	42/ A tariff revision, to become effective in April 1934 has recently been completed by the executive with the advice of congressional committees. 43/ Changes are reported to the legislature after being made 44/ Increases or reductions are limited to 50 percent of the rate.

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Country	A	B	C	D	E	F	Remarks
oland	No	Yes[45]	No	Yes[45]	(45)	No	45/ The administration by ministerial decree may reduce or abolish duties on necessities and on products required by Polish industry, commerce, or agriculture, and raise rates under certain condition
rtuga'.	Yes			Yes[46]	No[47]	Yes[46]	46/ There is an interdepartmental commission. The provisional agreements are to be negotiated on the basis of the rates in the minimum column of the Portuguese tariff. (See also note 47.) Denunciation of existing agreements, if necessary, is included in the grant of authority. 47/ On Feb. 26, 1932, the Portuguese legislature enacted additional duties on imports generally of 20 percent of existing rates, and authorized the Government to increase the additional duties up to 100 percent, or decrease them to 5 percent with respect to raw material, machines, and apparatus for Portuguese industries. (See also note 46.)
anis	No[48]	Yes	No	Yes	No	No	48/ But duties may be increased in emergencies, under specified conditions. Import quotas do not require legislative approval.
sia	(49)						49/ The administration has unlimited control of foreign trade.
South African Union	Yes			Yes	No	Yes, the Board of Trade and Industries	
Spain	Yes			Yes[50]	Yes	Not specified	50/ Denunciation of existing agreements, if necessary, is included in the grant of authority.

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Country	A	B	C	D	E	F	Remarks
Sweden	No	Yes[51]	No	No	No[51]	No	51/ The administration, by royal ordinance, when Parliament is not in session, may triple legislative rates and impose duties of 25 percent ad valorem on free goods.
Switzerland	Yes			Yes	Yes	Not specified	
Turkey	Yes[52]		Yes		No	do	52/ The Council of Ministers is authorized to license and restrict importations; also to adopt countervailing measures and increase tariff rates in case of discriminations.
United Kingdom		Yes[53]		Yes[53]	No	Yes[54]	53/ Tariff changes must be ratified by Parliament within 28 days. 54/ There is an import duties advisory committee, which conducts investigations and makes recommendations to the treasury. The treasury issues orders changing duties, after consulting the board of trade as to possible effect of the proposed change upon industry.
Uruguay	(55)		(56)		No	Not specified	55/ Recently tariff changes have been made by executive decree without submitting them to the legislature. 56/ A recent commercial agreement with Brazil affecting tariff rates is understood to have been submitted to the legislature for approval, prior to execution.
Venezuela	Yes[57]		Yes		No[58]	No	57/ The Executive may exempt from duty, prohibit importations, and increase or decrease rates of duty for reasons which he considers adequate. 58/ Duties may be reduced 25 percent under commercial agreements. Penalty duties up to 25 percent ad valorem may be applied.
Yugoslavia	No	Yes	No	Yes	Yes	No	

Excerpt, pages 102-108

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R-25128

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辯護側文書一九〇八（二）
一九三四年（昭和九年）三月八日ヨリ十四日マデ
HR八四三〇
米國第七十三國會第二會期下院財源委員會ニ於ケル
互惠的通商協約公聽錄
一九三四年（昭和九年）華府ニ於テ
合衆國政府印刷局

著外國ニ於ケル行政措置ニ依ル關稅規整

「著外國ニ於ケル行政措置ニ依ル關稅規整」ニ關スル覺書及略表

添附ノ表ハ一九三二年（昭和七年）首題ノ下ニ合衆國關稅委員會ガ編纂發行セルモノノ大略ト今日迄ニ加ヘラレタル修正トヲ示スモノナリ。本表ハ各國ニ於テ立法部ニ依リ關稅率ニ關シ政府ノ行政部門ニ委任サレタル又ハ行政措置ニ依リ實施セラレ居ル權限ヲ示ス。此ノ作表ニ當リテハ行政府ガ依テ以テ關稅ノ變更又ハ其ノ他ノ方法ニ依リ輸出入ヲ制限又ハ禁止スル權限ヲ執行シ

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得ル不定的ノ憲法規定（「一般福利」條項ノ如キ）ノ解釋ハ試ミラレ居ラズ。

行政部門ト立法部門トノ關係

添附ノ表ニ於テ行政權ニ言及スル時ハ次ノ行政形式ノ何レカ指ス。

一、行政ガ合衆國ニ於ケルガ如ク法的ニ立法部ヨリ獨立セルモノ。

二、行政ガ實際上立法部ヨリ獨立セルモノ。

三、行政ガ英國ノ議會政治ニ於ケルガ如ク立法部ニ從屬セルモノ

前記第二ノ形態ニ在ツテハ近年關稅及ビ外國貿易ニ關聯スル其ノ他ノ措置ニ就キ非常時權限ヲ行使スル傾向又ハ慣習的ニ行ハル。

內閣ガ立法部ノ樞要ナル一部ヲ成シ政綱ニ關シテ指導的位置ヲ認メラレ居ル議會政治若シクハ內閣政治ノ諸國ニ於テハ行政的ノ關稅變更ハ事實上議會ノ承認ニ先チテ行ハル。　從ツテ、行政的關稅率變更ガ效力ヲ生ズルニ先チ立法部ノ批准ヲ必要トスルヤ否ヤノ問題ニ關シ諸外國ノ慣習ヲ比較スルニ當ツテハ英國議院法ト米國々會法トノ區別ヲ認識スルコト重要ナリ。

議會政治又ハ內閣政治ニアリテハ總理大臣ハ當然議會ノ多數ヲ制スルコト

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トナル。斯ル國ニ於テハ立法部批准ノ必要ハ行政首班ガ國會ノ多數ニ依リ支持セラルルコトモアリ又セラレサルコトモアル米國式國會政治下ニ於ケルト同ジ必要ニ比スベキ制限ヲ行政的行動ニ對シテ課スルコトナキハ明瞭ナリ、

又多數若シクハ大多數ノ有效關稅率ガ通商條約ニ依リ定メラレタル諸國ニアリテハ、斯カル稅率ハ該條約ノ存スル間ハ、條約稅率權利國ノ同意ナキ限リ、立法行政兩者相結ブトモ變更シ得ザルトヲ記憶セザルベカラズ。斯ル協定稅率ニ關スル近時ノ慣習ハ條約ニ依リ束縛サレタル稅率ヲ相互的ニ

解除スル約定ヲ結ブコトナリ。

關稅以外ノ制限措置

輸入貿易ハ關稅ニ加フルニ輸入割當又ハ禁止、特許制又ハ無免許制輸入制限、輸入獨占、外國爲替管理、諸規則ノ併用並ニ混用、手數料ノ引上又ハ各種制限規則ノ如キ他ノ手段ニ依リテモ亦制限又ハ管理セラルルトコロナリ。現狀ニアリテハ輸入割當及爲替管理等ハ關稅率其ノモノヨリ更ニ有效ナル通商障壁ヲ成スモノナリ。

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割當又ハ輸入許可制ハ多クノ國ニ於テ特定ノ立法的權限ノ下ニ若シクハ一般行政的權能ノ下ニ行政部ヨリ課セラレ居レリ。コレ等ノ許可ハ貿易差額ノ調整又ハ報復的手段適用ノ爲メ使用セラレ、又割當制ニ依ル輸入配當量ハ互惠的通商協定ヲ締結或ハ實施スル爲メニ用ヒラル。

輸入割當ガ此ノ何レカノ目的ニ實施セラルル國ハ墺太利、白耳義、智利、チエッコスロバキヤ、エストニヤ、佛蘭西、獨逸、希臘、洪牙利、伊太利ラトビヤ、和蘭、波蘭、羅馬尼亞、西班爾牙、瑞西、土耳古、英國ナリ。

外國爲替取引ノ制限ハ多クノ國ニ於テ適用セラル。歐羅巴及拉丁亞米利加ノ數國ニ於テハ外國爲替取引ノ管理ハ中央銀行制ニ依リ公式ニ施行セラル外國爲替管理ノ爲メ制限ヲ適用スル國ニ亞爾然丁、墺太利、伯剌西爾、勃牙利亞、智利、古倫比亞、チエッコスロバキヤ、丁抹、エストニヤ、希臘、獨逸、洪牙利、伊太利、ラトヴヤ、那威、西班牙、土耳古、ウルグアイ、ユーゴースラビヤアリ。

外國爲替管理ヲ施行スル國トノ貿易ヲ容易ナラシメンガ爲メ、外國爲替取引ノ制限ヲ爲サザル他ノ諸國ハ貿易報償貿易主義（輸入ニ對シ輸出ヲ以テ

支拂フ）ヲ採リ、且ツ輸入ニ對シ現金支拂ヲ制限スル諸國ト清算又ハ報償ノ協約ヲ締結シ居レリ。

諸外國ニ於ケル行政措置ニ依ル關稅規整

左ニ列擧セル諸國ニ於テハ關稅率ハ政府ノ行政部門ニヨリA乃至下欄ニ記ストコロニ變更セラル。

A、行政部ハ立法部ニ諮ラズシテ關稅ヲ變更スル權限ヲ有スルヤ

B、行政部ハ立法部ノ承認ヲ得ル迄暫定的ニ關稅ヲ變更スル權限ヲ有スルヤ

C、條約率ハ立法部ニ諮ラズシテ行政部ニヨリ實施シ得ルヤ

D、條約率ハ條約ノ批准アルマデ行政部ニヨリ暫定的ニ實施シ得ルヤ

E、行政部ハ關稅率ヲ其ノ額ニ制限ナク變更シ得ルヤ

F、稅率變更ニ關シ諸問ヲ受クル特殊ノ委員會又ハ夫レニ準ズル機關アリヤ

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國名	アルゼンチン	濠太利亞	埃太利
A	然リ		然リ 註(三)
B		然リ	
C	然リ 註(一)		
D		然リ	然リ
E	否 註(二)	否	然リ
F	特定ノモノナシ	然リ 關稅評議會	特定ノモノナシ
摘要	註一、關稅ハ立法部ノ承認ヲ經ズシテ通商協約ニ依リ五割迄底減シ得ル如クナレトモ、一九三三年（昭和八年）ノアルゼンチン英國條約ハ斯ル承認ヲ施行前求メタリ。 註二、差別待遇ヲ不利ナラシムル爲メ無稅輸入品ニ對シ從價稅ヲ一割五分迄デ課シ又從價稅五割迄引上グルコトヲ得。		註三、立法部ノ主要委員會ノ事前承認ヲ要シ、且ツ委員會委員四分ノ一ノ要求ニ依リ關稅率變更ノ提案ハ正規ノ議事日程ニヨリ審議セラルル樣立法部ニ提出セザルベカラズ。

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國名	摘要
A	
B	
C	
D	
E	
F	
	但シ本規定ハ現「政府」ガ過去一年内ニ及テ戰時非常權限ヲ發動シテ公布セル關稅（及ビ其ノ他ノ）法令ニ適用セズ。斯ル法令モ後ニ至リ立法部ニ提出シ又ソノ要求アルトキハ廢止スベシ

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國名	A	B	C	D	E	F	摘要
ベルギー	否 註(四)	然リ	否	然リ	否	否	註(四)行政府は海關稅則に基き輸入を統制し又は禁止する權限を有し後に當該處置を立法部に報告する
ボリビア	然リ		不明	不明	然リ	指示ナシ	註(五)戰後の革命政府は昭和六年九月八日命令第二〇二八〇號を以て稅率に關する行政上の管理權を掌握せり
ブラジル	然 註(五)		註(六)				

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ブルガリア
然リ
否
否
然リ
註然リ(七)
註然リ(八)

註(六)戦後の革命政府の行政府に依り税率改訂を内容とする通商協定が結ばれたるが以前はかかる協定は時としては立法部の協賛を経て条約に関する法律を以て承認されたり

註(七)商品に賦課する関税と商品価額との間に一定の比率を保つ必要ありこれらの税率を改訂するには税率の適用を三箇月

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カナダ	
然リ	
然リ	
否	註(九)
然リ	

註(八)税率委員會は大藏大臣を以て委員長とし尚ほ政、商業、産業、勞働に關する各種の諮會委員會の委員長を以て委員とす

註(九)行政府(總督及內閣を中心とする)は税率を引下げ又は商品を免税品とすることを得税率を引上げるときは大藏大臣が之を議會に提出するものとす

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テリー

然リ

註然(十)リ

註否(十一)

註(十)或種の税率を引下げる最近の暫定的協定はこれが實施前に立法部に附議されしことなし

註(十一)税率上の不公平な差別をなくするために一割五分迄の従價税を免税輸入品に適用し且關税は五割迄増加することを得國内産業を保護するため關税は三割五分だけ増加することを得最も緊要な商品に賦課する關税は二割

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支 那
否
否
否
否
否
否

五分だけ輕減することを得これらの稅率の改訂は昭和三年の海關稅則に基き承認さる現在迄に判明したところによればこれらの稅率は爾後の稅率に關する立法を以て廢止されたることとなし

然註(十一)

註(十一) 國民稅率委員會、併し支那中央政治評議會は稅率に關する基本的事項に就ての諮問團體たるの觀あり

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コロンビア

然り

註(十三)

註(十四)

否

指示ナシ

註(十三)税率上の不公平な差別をなくするために註(十四)昭和七年十一月に行政府は立法部の協賛を得ることを要せずして税率を引下げる通商協定を結ぶ権限を立法部に依り附與されたりこの権限は一度も行使されずに昭和八年七月三十一日に消滅したるものの如し

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コスタリカ	キューバー	
然り	註(十四)然り	
註(十五)		
然り		
註(十五)然り		
否	然り	

註(十五) 行政府は税率を引上げ又は引下げる權限を附與さるも但し奢侈品に付ては最も緊要な商品又は國内産業のため使用さる商品よりも高率の税率を適用する關税が賦課さるヤド政府に附與されたるが一政府が順守したる後一昭和九年五月に消滅せり

註(十六) 右の權限はマチ

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註(十七)稅率に關する改訂は立法部に報告することを要す

註(十八)稅率技術委員會は革命後その機能を喪失したるものの如し

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國名	チエッコスロバキヤ	デンマーク	エクアドル
A	否	否 (註廿一)	然リ
B	然リ (註十九)	否	
C	否	否	不明
D	然リ (註二十)		否
E	然リ (註十九)		否 (註廿二)
F	否		否

（註十九）現在ノ非常時局ノ間ダケニ限リ、コノ権限ハ昭和九年六月三十日ヲ以テ消滅ス。

（註二十）但シ最少限度ノ協定税率ハ理事会ニ依ツテ決定サル。

（註二十一）行政府ハ又輸入ヲ統制シ及禁止スル権限ヲ付与サル。

（註二十二）行政府ハ税率ヲ五割タケ引上ゲ又ハ三割ダケ引下ゲルコトヲ得。

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國名	A	B	C	D	E	F	摘要
英國（聯合王國ヲ參照セヨ）フインランド（註廿三）	然リ		否	否	否（註廿三）	否	（二十三）國務評議會ハ法律ヲ以テ明記サレタ（重要ナ）稅率番號表ニ記載サレタ法定稅率ヲ四倍モ引上ゲルコトヲ得。
フランス	否	然リ	否	然リ	然リ（註廿四）	否	（註二十四）昭和九年二月二十八日附法律ニ依リフランス國大統領ハ昭和九年十一月十五日迄議會ノ協贊ヲ經テ稅率ヲ改訂スル權限ヲ付與サル
ドイツ（註二十五）（註廿六）（註廿七）（註二十七）	然リ	然リ	然リ	然リ	然リ	然リ	（註二十五）獨逸立法部ハ緊急對策トシテ昭和八年三月二十四日ノ權能付與令ヲ以テ立法上ノ一般權限ヲ政府ニ委任シタガ、後者ハ以前立法部又ハ（）統ニ依リ內閣ニ付與サレタル特別ノ授權ヲ引續キ要請シツツアリ（註二十六參照）
特記ナシ							

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國名	摘要
ギリシヤ	
A 否（註廿六）	（註二十六）ツヅイテ右政府ノ権限ニ属スル事項ニ関シ国際連盟規約第十七条ノ規定ニ依リ連盟ノ総会ニ対シ直接ニ意見ヲ述ブル権利ヲ有スルヤ否ヤ
B 然リ	
C 否	
D 然リ	
E 然リ（大体註廿八）	
F 然リ（註廿九）	

（註二十六）ドイツ改正税法ニ於テハ政府ハ規則ヲ以テ税率ヲ引上ケ又ハ引下ケ得ル権限ヲ与ヘラレタリヤ

（註二十七）ドイツ国ト英国トノ間ニ締結セラレタル通商航海条約ニ依リ英国ハ最恵国待遇ヲ受ケ得ルヤ

（註二十八）ギリシヤ国ハ昭和六年ニ締結セラレタル日本国ト「ギリシヤ」国トノ間ノ通商航海条約ニ依リ最恵国待遇ヲ受ケ得ルヤ

（註二十九）ギリシヤ国ハ昭和六年ニ締結セラレタル日本国ト「ギリシヤ」国トノ間ノ通商航海条約ニ依リ最恵国待遇ヲ受ケ得ル場合ニ於テモ尚ホ税率ニ関スル事項ニ付テハ日本国ニ対シ特別ノ協定ヲ為スヲ要スルヤ

（註三十）ヨーロッパ諸国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十一）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十二）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十三）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十四）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十五）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十六）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十七）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十八）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註三十九）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

（註四十）ドイツ国ニ於テハ国家ノ立法部ニ於テ予算ヲ審議スル際ニ税率ニ関スル修正ヲ為スヲ得ルヤ

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國名	A	B	C	D	E	F	摘要
ハイテイ	註三十 然リ		不明		否	否	〔註三十〕税率ニ差別ノアル場合ニハ行政府ハ五割タケ税率ヲ引上ケル權限ヲ付與サル
ハンガリー	〔註卅一〕 然リ		〔註卅二〕 然リ		註〔卅三〕 然リ	特證ナシ	〔註三十一〕税率改訂及通商協定及條約ニヨツテ決メラレタ税率ヲ實施スル命令ハ立法部ニ報告スルコトヲ要ス 〔註三十二〕條約ニ記載サレタル税率改訂ヲ實施スル權限ハ條約ノ相手國ガ同ジ措置ヲトルコトヲ條件トス 〔註三十三〕〔ハンガリーノ重要生産部門ガ必要トスルトキハ必要ニ應ジテ行ハルベキ〕税率引上ニ付テハ政府ハ後ニ法定税率ニ復歸セシメル義務ヲ負フ

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辯護側文書一九〇八號（二）

國名	伊太利	日本 註(三五)
A	否	否
B	然リ	否
C	否	否
D	然リ	否
E	註(三四)	
F	然リ	然リ 註(三五)
摘要	註(三四)非條約國ヨリノ物品ニ對スル關稅增加並ニ伊太利製品ニ對シ差引的措置ヲ採ル國ヨリノ物品ニ對スル報復的附加稅ニ關シテハ行政上ノ權限ハ制限セラル。	註(三五)關稅調査委員會アリ最近ノ新聞ノ報道ニ依レバ輸出入制限ヲ含ム關稅率ニ關シ絕對的權限ヲ日本行政府ニ許容セントスル「貿易保護法案」ガ議會ニ提出セラレタリ。

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和蘭	メキシコ
註然リ(三八)	註然リ(三六)
否	(三六)
否	
(三八)	註然リ(三七)
否	無リ

註(三六)一九一七年（大正六年）以降行政府ハ税率改訂ノ絶對的權能ヲ國會ニ依リ附與セラル但シ斯カル權能ノ行使ニ付テハ國庫ニ關スル事項ハ議會ニ報告スルヲ要ス。

註(三七)メキシコ關税委員會ハ税率改訂ヲ勸告スルヲ常トス。

註(三八)政府ハ數種ノ法定特殊物品ニ對シ總テノ關税ヲ免除シ得ル、而シテ和蘭ニ於テ生産セザル物品ニ對シテハ一九三四年（昭和九年）

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	ニユージランド	ノールウエー	パナマ
		否	然リ 註(四一)
	然リ	否	
		否	不明
	然リ	否	
	否		然リ
一月一日以降附加税ヲ免除ス。	然リ 註(三九)		註(四二)
註(三九)關税委員會アリ			註(四一)一九三二年(昭和七年)行政府ハ或ハ基本産業保護ノ爲數種ノ關税ヲ調整セリ。
			註(四二)一九三四年(昭和九年)四月以降實施セラルベキ關税ノ改正ガ國會委員會勅告ニ從ヒ最近行政府ニ於テ完了セリ。

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	ポルトガル	ポーランド	パラグアイ
	然リ	否	然リ（註（四三））
		然リ（註（四四））	
		否	不明
	然リ（註（四六））	然リ（註（四五））	
	否（四七）	（四五）	否（四四）
	然リ（四六）	否	否

（註四三）改訂ハ事後ニ議會ニ報告セラル。

（註四四）増減共税率ノ五割ヲ限度トス。

（註四五）行政府ハ其ノ省令ニテ依リポーランド、ノ工業、商業又ハ農業ノ必需製品ニ對スル税金ヲ減免ス、而シテ税率ノ引上ニ付テハ或ル條件ニ從フモノトス。

（註四六）各省共通ノ委員會アリ、ポルトガル税表ノ最低限度欄ノ税率ニ落キ暫定的協定ヲ爲スモノトス（註四七ヲモ參照）此

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ノ權限ニハ必要ニ應ジ現行協定ノ廢棄權ヲモ含ム。

註(四七)一九三二年（昭和七年）二月二十六日ポルトガル議會ハ一般ノ輸入ニ對シ現行率ノ二割ノ附加稅ヲ實施セリ、而シテポルトガル產業用ノ原料、機械及器具ニ關シテハ附加稅ヲ十割迄增加シ又ハ五割迄引下ノ權能ヲ政府ニ附與セリ（註(四六)ヲモ參照）

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ルーマニア	羅西亞	南阿蘇聯	西班牙	瑞典
否 註(四八)	註(四九)	然リ	然リ	否
然リ				註然リ(五一)
否				否
然リ		然リ	註然リ(五〇)	否
否		否	然リ	否(五二)
否			然リ貿易工廠特セズ記	否

註(四八)然レドモ緊急ノ場合ニハ現金ハ特別ノ條件ノ下ニ之ヲ増加スルコトヲ得、輸入制寃最ニ付テハ議會ノ承認ヲ要セズ

註(四九)行政府ハ外國貿易ノ絶對的管理權ヲ有ス

註(五〇)此ノ權限ハ必要ニ應ジテ現行協定ノ廢業權ヲモ含ム。

註(五一)行政府ハ議會開會中ニ非サルトキハ勅令ニ依リ法定稅率

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英聯合王國三	土耳古	瑞西
	然リ註(五三)	然リ
然リ註(五三)		
	然リ	
然リ(五三)		然リ
否	否	然リ

	然リ(五四)	
ヲ三倍トシ無税貨物ニ對シ從價二割五分ノ税金ヲ課スルコトヲ得	註(五二)閣議ハ輸入リ許可シ又ハ制限スル輸入ヲ有シ又差別的ニ取扱フ場合ニハ相殺手段ヲ講シ且税率ヲ增加スルコトヲ得	註(五三)税率改訂ニ付テハ二十八日以内ニ議會ノ批准ヲ經ルヲ要ス

註(五四)輸入税諮問委員

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ウルグアイ

註

(五五)

註

(五六)

否

特記セズ

會アリ同會ハ關稅ノ調査ヲ行ヒ且大藏省ニ對シ勸告ヲ爲スモノトス大藏省ハ提案セラレタル改訂ガ產業ニ及ボス影響ニ關シ貿易廳ト協議シタル後關稅改訂ノ命令ヲ爲ス

註(五五)最近議會ニ附議スルコトナク行政部ノ命令ニ依リ稅表ノ改訂ヲ爲セリ

註(五六)稅率ニ關スルブラジル國トノ最近ノ通商協定ガ施行前協賛ヲ經ル爲議會ニ提出セラレタルモノノ如シ

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ユーゴースラビヤ	ラヴエネズエ
否	然リ註(五七)
然リ	
否	然リ
然リ	
然リ	否
否	否註(五八)

一〇二頁ヨリ一〇八頁迄抜萃

(五七)行政府ハ適當ト認ムル理由アルトキハ關税ヲ免除シ輸入ヲ禁止シ税率ヲ增減スルコトヲ得

(五八)通商協定ニ依リ關税ハ二割五分引下グルコトヲ得、從價二割五分迄ノ罰金税ヲ課スルコトヲ得

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